

1           **BOUTIN JONES INC.**

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13           Good Earth Partners, LP, Danna Farms Inc.,  
14           Putah Creek Farming Co., Gracie Belle Farms, LLC,  
15           and Barrios Bros. Inc.*

16           **UNITED STATES DISTRICT COURT**

17           **EASTERN DISTRICT OF CALIFORNIA**

18          BANK OF AMERICA, N.A., a national  
19           banking association,

20           Plaintiff,

21           vs.

22          CAPITAL MED FARMS, LLC, a California  
23           limited liability company; GOLDEN  
24           STATE FARM CREDIT, FLCA, a federal  
25           Farm Credit System institution; GOOD  
26           EARTH PARTNERS LP, a California  
27           limited partnership; JIM TRAYNHAM, an  
28           individual; JAMIE TRAYNHAM, an  
              individual; MF FARMS, INC., a California  
              agricultural collective; NAVA FARMS,  
              INC., a California corporation; PACIFIC  
              REALTY ASSOCIATES, L.P. dba M&T  
              CHICO RANCH, a Delaware limited  
              partnership; RANDOLPH SALVESON, an  
              individual; SIERRA ORCHARDS, L.P., a  
              California limited partnership; and TSB  
              AG INC., a California Corporation;  
              AFFENTRANGER FARMS, LLC, a  
              California limited liability company;  
              ALLEN JASCHKE, an individual;  
              BARRIOS BROS., INC., a California  
              corporation; CHARLES HERMLE  
              FARMS, INC., a California corporation;  
              DANNA FARMS INC., a California  
              corporation; DARREL PARSLEY, an  
              individual; FEDORA FARMS, INC., a  
              California corporation; GRACIE BELLE

1           **Case No. 2:24-cv-02309-DJC-CKD**

2           **DEFENDANTS' RESPONSE TO BANK  
3           OF AMERICA'S EVIDENTIARY  
4           OBJECTIONS TO THE DECLARATION  
5           OF MICHAEL J. KUZMICH**

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6           Date: March 20, 2025

7           Time: 1:30 p.m.

8           Dept.: 10, 13<sup>th</sup> Floor

9           Judge: Hon. Daniel J. Calabretta

10          Complaint Filed: August 23, 2024

11          First Amended  
12          Complaint Filed: September 27, 2024

1 F FARMS, LLC, a California limited liability  
2 company; JERRY M. SEIBERT FARMS,  
3 INC, a California corporation.; JOE  
4 YEUNG FARMS, INC., a California  
5 corporation; JUST FARMS LP, a  
6 California limited partnership; LINDAUER  
7 FARM MANAGEMENT, INC., a California  
8 corporation; LLANO SECO MEATS ,LLC,  
9 a California limited liability company; M &  
10 C MYERS, INC. dba MYERS SEED, a  
11 California corporation; MARY  
12 TRAYNHAM, an individual; MUMMA  
13 BROTHERS, a general partnership; NOR  
CAL NUT CO, a California corporation;  
PB ORCHARDS, LLC, a California limited  
liability company; PEARSON FARMS, a  
general partnership; PUTAH CREEK  
FARMING CO., a California corporation;  
RIVER VISTA FARMS LLC, a California  
limited liability company; ROMINGER  
BROTHERS FARMS, INC., a California  
corporation; STRAIN FARMING JOINT  
VENTURE, L.P., a California limited  
partnership ;and ZANE AMARO d/b/a  
ZANE AMARO FARMS, an individual.  
14  
15

Defendants.

16  
17 Defendants Nava Farms, Inc., Good Earth Partners, LP, Danna Farms Inc., Putah  
18 Creek Farming Co., Gracie Belle Farms, LLC, and Barrios Bros. Inc. (the "Boutin Jones  
19 Producers") briefly respond to the plaintiff Bank of America, N.A.'s ("BOA") Evidentiary  
20 Objections to the Declaration of Michael J. Kuzmich filed in support of the Motion to Dismiss  
21 BOA's First Amended Complaint for Declaratory Judgment on Grounds of Abstention or  
22 Pursuant to Federal Rules of Civil Procedure 12(b)(6) and (b)(7) or, in the alternative, Motion  
23 for Stay (the "Motion").

24 **Response to Objection # 1 to Kuzmich Decl., ¶ 5**

25 Plaintiff objects to ¶ 5 on grounds of relevance and improper legal argument.

26 These objections lack merit. This paragraph is neither irrelevant nor legal argument. It  
27 is an accurate summary of California's producer's lien laws. Notably, BOA does not attempt  
28 to argue that any portion of this summary is inaccurate.

1       For all of these reasons, these objections should be overruled. Regardless, in the  
2 event the Court sustains one or both of these objections, the ultimate outcome of the Motion  
3 is not dependent on this paragraph.

4 **Response to Objection # 2 to Kuzmich Decl., ¶ 24**

5       Plaintiff objects to ¶ 24 on grounds of relevance, lacks foundation and personal  
6 knowledge, and hearsay.

7       These objections lack merit. The Receiver has represented these matters to the  
8 parties, and they are relevant to this Motion. Notably, BOA does not attempt to argue that any  
9 portion of this information is inaccurate.

10      For all of these reasons, these objections should be overruled. Regardless, in the  
11 event the Court sustains one or more of these objections, the ultimate outcome of the Motion  
12 is not dependent on this paragraph.

13 **Response to Objection # 2 to Kuzmich Decl., ¶ 25, Exhibit I**

14      Plaintiff objects to ¶ 25 and Exhibit I<sup>1</sup> on grounds of relevance, lacks foundation and  
15 personal knowledge, and hearsay.

16      These objections lack merit. The Receiver's Report No. 1 was filed in the Golden State  
17 Tehama County Action, speaks for itself, and is relevant to this case. Specifically, Exhibit "A"  
18 to the Receiver's Report No. 1 reflects that: (1) between August 8 and September 30, 2024,  
19 ASSI had sales of \$15,399,167; (2) there is an entry titled "BofA LOC Adjustment" in the  
20 amount of \$14,561,723; and (3) ASSI had a resulting cash position of only \$2,482,652.  
21 Kuzmich Reply Decl., ¶ 3, Revised Exhibit I. Notably, BOA does not attempt to argue that any  
22 portion of this information is inaccurate. BOA also does not dispute that the "BofA LOC  
23 Adjustment" in the amount of \$14,561,723 was either paid in cash to BOA or applied as a  
24 credit to a line of credit.

25 \_\_\_\_\_  
26 <sup>1</sup> The wrong report (the Receiver's Initial Inventory and Report dated September 16, 2024)  
27 was inadvertently attached as Exhibit I, and the correct report (the Receiver's Report No. 1  
28 dated November 6, 2024, and Exhibit "A" thereto) is being filed with this Reply Brief. See  
Reply Declaration of Michael J. Kuzmich filed herewith ("Kuzmich Reply Decl."), ¶¶ 2-3,  
Revised Exhibit I.

For all of these reasons, these objections should be overruled. Regardless, in the event the Court sustains one or more of these objections, the ultimate outcome of the Motion is not dependent on this paragraph and Exhibit.

## **Response to Objection # 2 to Kuzmich Decl., ¶ 26**

Plaintiff objects to ¶ 26 on grounds of relevance, lacks foundation and personal knowledge, and improper legal argument.

These objections lack merit. This paragraph states matters of fact that are relevant to this Motion and which are based on counsel's personal knowledge: (1) the Receiver's Report No. 1 dated November 6, 2024, and Exhibit "A" thereto reflect that BOA has received proceeds from ASSI's sale of crops on which the Boutin Jones Producers have statutory lien rights; (2) the Boutin Jones Producers will likely amend their Complaints to include causes of action for conversion and unjust enrichment against BOA; and (3) the Downey Brand Producers have already alleged these causes of action against BOA in the action they filed in Tehama County.

For all of these reasons, these objections should be overruled. Regardless, in the event the Court sustains one or more of these objections, the ultimate outcome of the Motion is not dependent on this paragraph.

DATED: February 20, 2025

ROUTIN JONES INC.

By: /s/ Michael J. Kuzmich

Robert D. Swanson  
Michael J. Kuzmich  
Michael C. Hopkins

Attorneys for Defendants Nava Farms, Inc.,  
Good Earth Partners, LP, Danna Farms Inc.,  
Putah Creek Farming Co., Gracie Belle  
Farms, LLC, and Barrios Bros. Inc.